

## REMARKS

Applicants have studied the Office Action dated November 2, 2005, and have made amendments to the claims. Claims 8-11 have been amended. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

### Rejections under 35 U.S.C. § 102

Claims 8, 10 and 11 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,285,646 to TaeDuk (hereinafter "TaeDuk"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

The invention defined by amended claims 8, 10 and 11 controls a heat pump system wherein a compressor is stopped without lowering a drive speed of the compressor when the heat pump system is switched from a cooling mode to a heating mode or from the heating mode to the cooling mode.

A similar heat pump system, including all of the elements recited in claims 8, 10 and 11, is not identically disclosed in TaeDuk. Specifically, there is no disclosure in TaeDuk for stopping the compressor without lowering a drive speed of the compressor. In contrast, TaeDuk discloses when switching between heating and cooling modes, the compressor is first reduced to a slower speed for a first predetermined time period and then to a zero speed for a second predetermined time period, before the compressor is reversed (see Abstract, lines 9-14; column 3, lines 25-34; and column 4, lines 38-46). In view of this, it is respectfully submitted that claims 8, 10 and 11 are allowable over TaeDuk.

### Rejection under 35 U.S.C. § 103

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over TaeDuk in view of U.S. Patent No. 4,799,363 to Nakamura (hereinafter "Nakamura"). This rejection is respectfully traversed.

Similar to claims 8, 10 and 11 above, claim 9 has been amended to define an invention for controlling a heat pump system wherein a compressor is stopped without lowering a drive speed of the compressor when the heat pump system is switched from a cooling mode to a heating mode or from the heating mode to the cooling mode.

As previously asserted, there is no disclosure in TaeDuk for stopping the compressor without lowering a drive speed of the compressor. Moreover, it is respectfully submitted that Nakamura fails to cure the deficiencies of Taeduk with respect to stopping the compressor without lowering the drive speed of the compressor in claim 9. Accordingly, it is respectfully asserted that independent claim 9 is allowable over the cited references.

## CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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By: \_\_\_\_\_



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